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OFFICE OF PETITIONS

In re Application of :
Meisburger et al. :
Application No. 10/801,362 :
Filing or 371(c) Date: 03/15/2004 :
Attorney Docket Number: :
22120-08965 : **ON PETITION**

This is a decision on the Petition Under MPEP § 711.03(c) to Withdraw Holding of Abandonment for Response to Notice to File Missing Parts Not Received, filed March 20, 2006. The petition is properly treated under 37 CFR 1.181(a). The delay in treating this petition is regretted.

This Petition is hereby **granted**.

The above-identified application became abandoned for failure to timely and properly reply to the Notice to File Missing Parts of Reissue Application (Notice), mailed August 4, 2004. The Notice set a two (2) month period for reply, and provided for extensions of time under 37 CFR 1.136(a). No response having been received, the application became abandoned on October 5, 2004. A Notice of Abandonment was mailed March 8, 2006.

Applicant's Assertion

Applicant files the instant petition and asserts that a timely reply to the Notice was filed on September 20, 2004. In support of this assertion, Applicant files a copy of the Reply and a copy of his return-receipt postcard acknowledging receipt by this Office of the Reply on September 20, 2004.

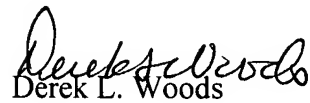
A review of office records also reveals that a reply to the Notice was received in this Office on September 20, 2004, including, *inter alia*, a Preliminary Amendment; oath, surcharge, and a Request for Corrected Filing Receipt.

In view of the foregoing, the petition is granted. The holding of abandonment is hereby withdrawn.

No fee has been charged and none is due.

The application will be referred to the Office of Initial Patent Examination for processing of the Reply and for the mailing of a corrected Filing Receipt in due course.

Telephone inquiries concerning this matter should be directed to the undersigned at (571) 272-3232.

A handwritten signature in black ink, appearing to read "Derek L. Woods", is written over the printed name.

Derek L. Woods
Attorney
Office of Petitions